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2 NOT FOR PUBLICATION

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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Federal Trade Commission,

10 Plaintiff,

11 v.

12 Tate's Auto Center of Winslow  
13 Incorporation, et al.,

14 Defendants.

No. CV-18-08176-PCT-DJH

**ORDER**

15 Before the Court is the FTC's Summary of Discovery Dispute (Doc. 58), in which  
16 the FTC represents that Defendants refused to participate in the drafting of the Summary  
17 of Discovery Dispute. In the Telephonic Discovery Dispute Hearing held on February 14,  
18 2019, the Court ordered the Defendants to search all of computers for prior advertisements  
19 and to reach out to their advertisement vendors to inquiry as to whether they had any  
20 advertisement records. In the current discovery dispute, the FTC represents that  
21 Defendants have failed to confirm that they have searched their records or that they have  
22 reached out to their advertisement vendors. (*Id.* at 2). Additionally, the FTC claims that  
23 Defendants have indicated they are not currently preserving their advertisement. (*Id.*)


24 Thus, the FTC is requesting that the Court order Defendants to: (1) detail their  
25 internal and external efforts to retrieve advertisements from January 2013 through July 31,  
26 2018; (2) identify all media outlets (e.g., newspaper, television, radio, and internet) where  
27 they have placed advertisements from January 2013 through July 31, 2018; and (3) confirm  
28 that, going forward, all of their advertisements are being preserved. (*Id.*) To date,

1 Defendants have not filed a response to the FTC's Summary of Discovery Dispute.

2 Accordingly,

3 **IT IS ORDERED** that Defendant show cause in writing **on or before Friday,**  
4 **April 5, 2019, at 9:00 a.m.** why the Court should not order Defendants to: (1) detail their  
5 internal and external efforts to retrieve advertisements from January 2013 through July 31,  
6 2018; (2) identify all media outlets (e.g., newspaper, television, radio, and internet) where  
7 they have placed advertisements from January 2013 through July 31, 2018; and (3) confirm  
8 that, going forward, all of their advertisements are being preserved.

9 Dated this 3rd day of April, 2019.

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11   
12 Honorable Diane J. Humetewa  
13 United States District Judge  
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